

MAR 02 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty LCM-1331-334
Dkt.

C# M#

VON BORSTEL

TC/A.U. 1623

Serial No. 09/763,955

Examiner: Patrick T. Lewis

Filed: February 28, 2001

Date: March 2, 2009

Title: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL
DISEASESCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FACSIMILE CERTIFICATE

I hereby certify that this Amendment
is being transmitted by facsimile to
the Patent and Trademark Office on
March 2, 2009, specifically to 571-
273-8300.
Signature
Leonard C. Mitchard
Reg. No. 29,009No. of pages transmitted (including
this cover sheet): 51 pages

Sir:

SUBMISSION OF CORRECTED APPEAL BRIEF

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$52.00 \$0.00 (1202)/\$0.00 (2202) \$Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$220.00 \$0.00 (1201)/\$0.00 (2201) \$If proper multiple dependent claims now added for first time, (ignore improper); add
\$390.00 (1203)/\$0.00 (2203) \$Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$130.00 (1251)/\$0.00 (2251)
Two Month Extensions \$490.00 (1252)/\$0.00 (2252)
Three Month Extensions \$1110.00 (1253)/\$0.00 (2253)
Four Month Extensions \$1730.00 (1254)/\$0.00 (2254)
Five Month Extensions \$2350.00 (1255)/\$0.00 (2255) \$

Terminal disclaimer enclosed, add \$140.00 (1814)/\$0.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE \$ 0.00☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

901 North Glebe Road, 11th Floor
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LCM:lffNIXON & VANDERHYE P.C.
By Atty: Leonard C. Mitchard, Reg. No. 29,009Signature: 

MAR 02 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

Reid W. von Borstel, et al

Serial No. 09/763,955

Filed: February 28, 2001

For: PYRIMIDINE NUCLEOTIDE PRECURSORS FOR TREATMENT OF
SYSTEMIC INFLAMMATION AND INFLAMMATORY HEPATITIS

Atty. Ref.: 1331-334

TC/A.U.: 1623

Examiner: Lewis, P.T.

March 2, 2009

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CORRECTED APPEAL BRIEF

Sir:

Appellant hereby submits a corrected Appeal Brief and Exhibit 1 in this case to replace that submitted on December 22, 2008. The cover sheet and credit card authorization form filed on December 22, 2008 contained the correct serial number (namely, 09/763,955) but the Appeal Brief itself contained an incorrect serial number. The present corrected Appeal Brief contains the correct serial number (09/763,955).

1418673

Reid W. von Borstel, et al
Serial No. 09/763,955

MAR 02 2009

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